

MINUTES
LEXINGTON COUNTY COUNCIL
FEBRUARY 14, 2006

Lexington County Council held its regular meeting on Tuesday, February 14, 2006 in Council Chambers, beginning at 4:30 p.m. Mr. Cullum presided; Mr. Davis gave the invocation; Ms. Summers led the Pledge of Allegiance.

Members attending:	M. Todd Cullum	James E. Kinard, Jr.
	William C. Billy Derrick	George H. Smokey Davis
	Debra B. Summers	Bobby C. Keisler
	Johnny W. Jeffcoat	John W. Carrigg, Jr.
	Joseph W. Owens	

Also attending: Art Brooks, County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Recognition of Visitors - Mr. Cullum recognized a group of Lexington High School students attending the meeting as part of their government class.

Employee Recognition - Art Brooks, County Administrator - Benjamin C. Vining, Mechanic II, Fleet Services was recognized for having completed the examinations and experience requirements prescribed by the National Institute for Automotive Service Excellence and for having received the Automotive Service Excellence (ASE) certification in brakes and heating and air conditioning testing.

Cindy Makuta, Records Clerk, Assessor's Office, received a letter from a citizen commending her for her helpfulness, her cheerful spirit, and her demeanor when he recently visited the office on business.

Cathy Davis, Administrative Assistant, Assessor's Office, received a note from a citizen thanking her for assisting in getting the paperwork straightened out on a real estate transaction. The citizen said it was nice to be back in a state where people are helpful and pleasant.

Jan Alonso, Deputy Treasurer, Treasurer's Office, received a letter from a citizen who came to that office to pay taxes on property purchased from a builder but no tax notices had been received. Individual bills could not be tracked down through the company or on-line because the bills were

either under another owner's name or the property was divided into acreage. The citizen commended Jan for her help and thanked her for her promptness, good nature during a hectic time and for being so knowledgeable. The citizen added that there should be more people like Jan who are not afraid to do their jobs and perform them well.

Brittney LaCross, Tax Clerk/Cashier, Treasurer's Office, was commended by a citizen for being so cheerful and helpful. The citizen indicated that he always dreaded the trip to the County to pay taxes, but Brittney was a willing and helpful employee who made paying taxes a joy.

Kaye Harmon, Mail Clerk, Central Stores, was confronted with a special situation when a citizen accidentally locked her keys, purse, and dog in the car. The citizen came to the information booth with her crisis. Kaye happened to be delivering mail and began asking questions. Kaye found out who the insurance carrier was, got a lock smith to unlock the car, and kept check on the citizen's dog. Kaye and Derrial, PBX Operator, Human Resources, were able to handle the situation and keep the citizen at ease; the dog slept through the whole ordeal. The citizen thanked both ladies and wanted to make sure that Kaye was recognized for her kindness and efforts.

Resolution - Lexington County Delegation - Mr. Cullum stated the resolution he spoke of at the January 24 meeting to be sent to the Legislative Delegation was before Council for consideration. He stated the information was directly from the SC Association of Counties, the positions that the Association has adopted, and he had included some items he thought applied to the County. Mr. Cullum stated that Mr. Kinard had proposed a change to Item 1. Property Tax and School Funding Restructuring that current school operating revenue would be replaced on a per pupil basis with a built in hold harmless policy that would ensure that no district would receive less than they did the prior year. Mr. Cullum added that two Resolutions had been prepared if Council saw fit to adopt either. Mr. Cullum asked Mr. Kinard to speak to his proposed change.

Mr. Kinard stated that he believed a per pupil basis would more evenly distribute the funds based on the population of students in the districts. On a dollar for dollar basis, there are already some inequities. He added that he thought it would be fairer to base the distribution on population.

Mr. Cullum opened the meeting for comments/questions.

Mr. Jeffcoat stated it appeared that 14 different issues were being dealt with and he did not agree with all of them and would not be voting in favor of the resolution.

A motion was made by Mr. Derrick and seconded by Mr. Owens to adopt the amended resolution (the wording proposed by Mr. Kinard).

Mr. Owens asked Mr. Jeffcoat if there was any way to make the resolution more palatable to him.

Mr. Jeffcoat responded that he had looked it over and he did not think so. He stated that we try to encourage the Delegation and the Legislature to do their job and stay out of ours, and I think in some of these areas we're trying to get into what they're supposed to be doing and not what we're

supposed to be doing.

Mr. Cullum commented that he would like to have an unanimous consent.

Mr. Jeffcoat responded that it would not be with him.

Mr. Cullum asked Mr. Jeffcoat if there was any he would like to suggest be removed.

Mr. Jeffcoat stated that he was not going to rewrite the resolution because he did not agree with it.

Ms. Summers asked for an explanation of Item 3. Partial Payment of Property Taxes as far as why that would not be acceptable.

Mr. Derrick stated that he did not think the opposition was not that the property tax bill be broken down but there was no allowance for the additional administration cost it would take to break it down. He stated that he thought everyone, including the Treasurer, would be happy to take a partial payment as long as funding was provided for the costs to send out additional bills; the original legislation did not include any provision for that.

Mr. Keisler asked Mr. Cullum if he wanted Mr. Rowell to comment.

Mr. Rowell, County Treasurer, stated that he understood why a lot of the taxpayers would be interested in making payments like they do for cars and other things but the problem is every time tax bills have to be sent, they would be dealing with almost the same number as the normal tax season multiplied by six, five or whatever. He stated that there are banks, credit unions, etc., that provide a way for people to pay part of their taxes each month and accumulate it until the bill is due. If I get to March 15 and people have not paid their taxes, I've got the same thing to do as I do now, which means an execution notice has to be sent, certified letters, etc. The cost on the County would be pretty heavy. Mr. Rowell stated that he did not feel we should replace what the private sector has to offer. He added that he had not discussed partial payments with Council, such payments could have been done before; to him it was not good business for the County in his judgment.

Mr. Cullum stated that it would be cost prohibitive. He stated that the resolution was generated at the request of the Delegation Chairman, Mr. Toole.

Mr. Carrigg commented that he thought a lot of what was in the resolution was good, some he did not agree with. He stated that the Legislature was embroiled with trying to do away with property taxes and replacing them with sales tax and trying to figure a way to pay for it, etc., and he did not know that Council making suggestions this late was going to do any good. Mr. Carrigg stated that he did not agree with Items 3, 6, or 7 and really did not understand what Item 13 meant, and because he did have disagreement with several issues, he did not feel comfortable supporting the resolution.

Mr. Cullum asked Mr. Carrigg, you do not agree with the impact fee statement and the real estate

transfer fees?

Mr. Carrigg responded, no. He just saw that as new taxes and he did not want to vote for a new tax or another kind of tax.

Mr. Owens stated that the last proposal he saw only replaced 85 per cent of owner occupied houses which he did not like because that left the door open for next year. He said he was not “wild” about the resolution, but he did not think it would hurt us; it may not help us, but it can’t hurt us.

Mr. Carrigg stated that he understood about the Chairman of the Delegation, Representative Toole asking for this, but his experience has always been that they like to do their job and we don’t like it when they come in here and try to tell us what to do. They may want to know what we think, but other than that there’s enough discrepancy to take issue with.

Mr. Keisler stated that he did not think he could support the resolution and said this is a state issue.

A motion was made by Mr. Davis and seconded by Mr. Owens to table the motion to adopt the “amended” resolution (Mr. Kinard’s) wording on Item 2.

Vote on motion to table:

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Owens	Mr. Summers
Opposed:	Mr. Kinard	Mr. Derrick
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	

Vote on motion to approve “amended” Resolution which included Mr. Kinard’s wording:

In Favor:	Mr. Cullum	Mr. Kinard
	Mr. Derrick	Mr. Davis
Opposed:	Mr. Owens	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	

Appointments - Lexington County Health Services District Board - Mr. Allan Risinger - A motion was made by Mr. Derrick and seconded by Mr. Davis that Mr. Allan Risinger be appointed to the Health Services District Board, effective date March 11, 2006. Mr. Risinger will replace Mr. Hubert Long, Jr.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Davis	Mr. Kinard
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Children's Shelter - Ms. Carol Metts - A motion was made by Mr. Keisler and seconded by Ms. Summers that Ms. Carol Metts be appointed to the Children's Shelter Board to replace Ms. Mary Miller.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Keisler
	Ms. Summers	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Accommodations Tax Advisory Board - Mr. Buck Truett - A motion was made by Mr. Owens and seconded by Mr. Derrick that Mr. Buck Truett be appointed to the Accommodations Tax Advisory Board.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Derrick	Mr. Kinard
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	

Children's Shelter - Ms. Christine Westbrook - A motion was made by Mr. Jeffcoat and seconded by Mr. Owens that Ms. Christine Westbrook be reappointed to the Children's Shelter Board.

Mr. Cullum opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Owens	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Carrigg	

Lexington/Richland Alcohol and Drug Abuse Council - Ms. Lynn Dooley - Mr. Cullum indicated that a letter had been received from Mr. Jack Claypoole, Executive Director, LRADAC, requesting that Ms. Lynn Dooley be reappointed.

A motion was made by Mr. Owens and seconded by Mr. Kinard that Ms. Lynn Dooley be reappointed to the Lexington/Richland Alcohol and Drug Abuse Council.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	

Bids/Purchases/RFPs - A motion was made by Mr. Keisler and seconded by Mr. Kinard that Tabs L, M, N, O and P be approved.

Dell Computers - Library Services - A request was submitted for the purchase of eleven (11) Dell computers to be paid for with State Aid funds for Library Services. The computers will be used to replace the outdated and worn out public access Internet computers at the Irmo Branch Library. The computers will be purchased directly from the manufacturer, Dell Computers, through South Carolina State Contract #05-S6656-A11104. Total cost including applicable sales tax is \$8,280.13. Funds appropriated in 2330-230099-5A6434/Library State Funds.

Aggregate to be Picked up by County Contracted Haulers and/or County Owned Trucks - Public Works - Bids were solicited and advertised for a term contract for aggregate, rip rap, fill screenings, etc., from contract suppliers to be picked up by a contract hauler or County-owned trucks and delivered to various Public Works Camps located around the County. Two (2) bids were received. Staff recommended award of the bid to Vulcan Materials and Martin Marietta as the lowest bidders. The determination of which quarry to be used will be based on availability and/or mileage. Cost of this service is based on estimated quantities projected for use by the Public Works Department for a period of one (1) year. Estimated annual value of the contract is \$299,860.75 including applicable sales tax. Staff also recommended that the term contracts be awarded for the initial period of one (1) year with the option to extend the contracts for two (2) additional one (1) year periods if deemed to be in the best interest of the County. Funds for this contract are appropriated from the General Fund "C" Fund and other County projects.

2005-2006 Resurfacing Program - Public Works - Bids were advertised and solicited from qualified contractors for resurfacing 17 asphalt surfaced roads. In conjunction with the County's bid, 28 asphalt surfaced roads for the Town of Lexington were included. The project includes the resurfacing of approximately 26,308 L.F. (4.98 miles) of roadway. Materials include an estimated 6,170 tons of HLAC Type 4, 200 tons HLAC Binder course, 100 tons of CR-14 Asphalt, 500 L.F. of 4" french drain pipe and 100 C.Y. of unclassified excavation. Staff recommended award of the contract to Rea Contracting, LLC as being the low bidder. The total bid for the County's portion of the contract, based on estimated quantities, is \$547,868.50 including sales tax. The Town of

Lexington will issue a contract for their portion. Upon approval by both entities, the Public Works Department will begin marking the roads for repair; Public Works' staff will meet with the Town of Lexington to assist in the marking of their roads as well as oversee the work done on the roads. Funds appropriated in 2700-121300-530001/SCHD "C" Funds.

Ivotronic ADA Voting Machines and Accessories - Registration and Elections - Procurement received a requisition for the purchase of 14 Ivotronic ADA Voting Machines and Accessories. The machines and accessories are required for newly created precincts in 2005. The machines are mandatory for disability use. Communication Packs activate the voting machines in each precinct. The machines and accessories will be purchased directly from the manufacturer (Elections System and Software) through State Contract #04-56579. Total cost including shipping and tax is \$67,632.00. Funds appropriated in 1000-161200-521200/Operating Supplies (\$1,424.40); 1000-161200-540000/Small Tools and Minor Equipment (\$392.20); 1000-161200-5A6452/(14) Ivotronic Machines (\$48,007.40); 1000-161200-5A6453/(14) Communications Packs (\$17,808.00).

X-26 Tasers and Accessories - Sheriff's Department - Bids were advertised and solicited from qualified bidders for six (6) X-26 Tasers and Accessories. The tasers will be used to subdue a hostile and/or resisting subject during an arrest. Tasers render the combative subjects ability to fight and to attack officers useless and to place them, in most cases, on the ground where it is much easier to control them with less risk of injury. One (1) bid and one (1) no bid were received. The manufacturer, Taser International, indicated that the purchase must be made through their local distributor Lawmen's Safety Supply, Inc. Grant procedures have been approved by the South Carolina Department of Public Safety. Staff recommended that the bid be awarded to Lawmen's Safety Supply, Inc. as the lowest responsible bidder in the amount of \$5,779.65 including sales tax. Funds are appropriated in 2436-159900-5A6317/LE/Multi Narcotics Task Force/(6) Tasers (\$5,779.65).

Mr. Cullum opened the meeting for discussion.

Mr. Derrick asked if (Tab O - Ivotronic ADA Voting Machines and Accessories) there was a need for a communications module for each of the voting machines?

Ms. Fulmer, Procurement Manager, stated that she was not sure she could answer the question and had asked Mr. Crepes, Director of Registration & Elections, to be here to answer any questions. She indicated it was her understanding that the communication packs were a requirement.

Mr. Derrick asked why is it required when in the precinct (Ridge Road) he is in, there are no phone lines in the voting precinct.

Ms. Fulmer responded that she could not answer the question.

Mr. Derrick commented that it was a substantial amount of money added to the cost. He said he did not have a problem with approving the purchase, but thought Procurement should ask the question

and get a resolution because there may be some savings that could be realized.

Ms. Fulmer stated that Procurement would not proceed with the award until the questions are answered.

Mr. Cullum asked that Ms. Fulmer followup through the Administrator.

Mr. Cullum called for further discussion on the motion; none occurred.

In Favor:	Mr. Cullum	Mr. Keisler
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Chairman's Report - Mr. Cullum stated that earlier in the month he had the pleasure of visiting Lake Murray Baptist Church with Councilman Davis where they took part in the services and presented the pastor and congregation with the Resolution adopted by Council regarding the presentation of *This Man Called Jesus*. He stated that the church has presented the program for 17 years and visitors from some 17 states had seen the program.

On February 13, Mr. Cullum stated that he attended his first ABATE (A Brotherhood Against Totalitarian Enforcement) meeting and listened to some of their concerns. This group is not just about motorcycle operation or freedom to ride a motorcycle without a helmet but a group who are very attuned to what is going on in local and state governments.

February 21, Mr. Cullum reported that he would be taking part in the Fire Service Awards Banquet at the Town of Lexington Conference Center.

Mr. Cullum stated that he would be attending the Central Midlands Council of Governments meeting.

Administrator's Report - Mr. Brooks recognized Ed Salyer, Risk Management; Master Deputy Steve Corley; and Bob Sinnett, Safety Management, Inc. Mr. Brooks stated he had just learned that Lexington County received the 2005 Outstanding Safety Achievement Award from the South Carolina Association of Counties Workers Compensation Property and Liability Trust Fund. Mr. Brooks stated this was a countywide safety compliance assessment which began July 2005 which involves the revision, creation and implementation of a comprehensive safety, and compliance program for each county service area. Each piece of equipment along with the employee authorized to operate it was identified, training materials were developed and injuries were reviewed and prevention goals were set. The project also involved the development of what is called the Administrative Toolbox Talk Program which is a set of skills that are reviewed with various departments, not just in the field but also in offices. The assessment was completed for Solid Waste Management, Public Works, Fleet Services, Building Services and Central Stores. The remainder

of the fiscal year will be dedicated to Law Enforcement and Public Safety. Mr. Brooks stated the County stresses safety and welfare for the employees and this helps identify areas that need improvement in order to avoid accidents. Mr. Brooks congratulated the gentlemen and thanked everyone associated with the project.

Approval of Minutes - Meetings of January 10 and January 24, 2006 - A motion was made by Mr. Owens and seconded by Mr. Keisler that the Minutes of January 10 and 24, 2006 be approved as written.

Mr. Cullum opened the meeting for discussion, questions, changes, etc. No discussion, questions, changes occurred.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Jeffcoat
	Mr. Carrigg	

Zoning Amendments - Zoning Map Amendment M06-01 - Lake Estates Drive (intersection of Timberlake Drive to Water Links Drive, approximately 1,030 feet) and Timberlake Drive (approximately 460 feet starting at TMS# 01526-01-001 ending at the intersection of Timberlake Drive and Club Court) - Announcement of 1st Reading - Mr. Cullum announced first reading of Zoning Map Amendment M06-01.

Zoning Map Amendment M06-02 - 407 Bay Pointe Road, Cherokee Shores Cabana Pool Area - TMS# 03216-01-047 p/o - Announcement of 1st Reading - Mr. Cullum announced first reading of Zoning Map Amendment M06-01.

Committee Reports - Justice, S. Davis, Chairman - Funding for Additional Positions - Sheriff's Department - Mr. Davis reported that the Justice Committee met on Tuesday, January 24, 2006 to discuss a request from the Sheriff's Department.

Sheriff Metts stated due to growth and the number of calls for services within Lexington County he is seeking Council's permission to eliminate four (4) administrative positions; Lieutenant, Operations Sergeant, Senior Accountant, and Sergeant and add two new deputy positions. This will create six deputy positions.

Sheriff Metts stated the total annual salary and fringe benefit cost for the four (4) current positions is \$219,007. The total annual salary and fringe benefit cost for the six (6) deputies is \$228,630, an annual increase of \$9,623. He said the six deputy positions will only be filled for one-half of this fiscal year at an additional cost of \$4,812 which will be funded from personnel position vacancies in this fiscal year and will make up the additional funding in the FY2006/07 budget.

The committee voted to recommend to full Council to approve the elimination of four (4) existing

administrative positions in order to create six (6) deputy positions.

A motion was made by Mr. Davis and seconded by Mr. Keisler that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion.

Mr. Owens commented that to get six people for the price of four was yeoman's work on the Sheriff's part and commended him, as well as Chief Rucker and Chief Kirchner.

Mr. Cullum expressed his thanks for providing more services for the same amount of money.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Ms. Summers
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Health & Human Services, J. Carrigg, Jr., Chairman - Position Changes/Reclassification - Public Safety/Fire Service - Item 1 - Mr. Carrigg stated that the Health and Human Services Committee met on Tuesday, January 24, 2006 to discuss a request from Chief Rucker, Assistant Sheriff and Director of Public Safety and Homeland Security, and Chief Russell Rawl, Fire Service Coordinator for position changes and reclassifications in Public Safety/Fire Service.

Chief Rucker stated as Lexington County continues to grow and expand, Public Safety/Fire Service is in need of additional personnel to assist with fire inspections, develop and administer a countywide fire prevention program, recruit prospective employees and volunteers, and fighting fires.

Chief Rawl stated there are several positions in Public Safety/Fire Service that he is requesting to be reclassified along with one job title change. They are:

- Fire Chief (Grade 18) reclassified to Fire Inspector (Estimated Grade 14)
- (4) Captain positions (Grade 14) reclassified to Firefighter (Grade 8)
- Apparatus Operators (Grade 10) reclassified to Firefighter (Grade 8)
- Fire Prevention Officer (Grade 15) re-titled to Fire Marshall (Grade 15)
- Chief Administrative Officer (Grade 19) reclassified to Administrative Assist. (Grade 9) *

*The Chief Administrative Officer reclassification was previously approved by Council on July 12, 2005.

He said by reclassifying the above positions, there would be an estimated annual savings of approximately \$55,403.

In addition, there was a request for a Fire Prevention Officer (Estimated Grade 14). The Fire Prevention Officer's estimated annual cost would be \$53,293, which would be funded through Public Safety/Fire Service. [Attached is an analysis showing the net effect of the reorganization including the addition of this one position at a total net decrease in budget of \$19,771].

Item 2 - The Public Safety Recruiter's estimated annual cost is \$59,633. Chief Rucker proposed that this position (Estimated Grade 14) be added in the Public Safety/Administration budget with funding equally shared (1/4) by Fire Service, EMS, Communications, and Law Enforcement. Chief Rucker stated this would require no additional funding or millage increase.

The Committee voted to recommend that Council approve the request.

A motion was made by Mr. Carrigg and seconded by Mr. Jeffcoat that the Committee Report be adopted.

Mr. Cullum opened the meeting for discussion.

Mr. Jeffcoat asked if the department was going forward with the recruiter position.

Chief Rucker, Assistant Sheriff and Director of Public Safety and Homeland Security, replied yes, sir. He stated that he received an e-mail last week from the Finance Department stating they would not recommend the positions to go before full Council at this time. The first time I brought this up we were going to fund it one-third, one-third, one third. This last time I said we would fund it one-fourth, one-fourth, one-fourth, one-fourth and that would include the communications system. And the recommendation was not to go forward with this and so after talking with the Sheriff, we met with Chairman Cullum last Friday and it was the Sheriff's thoughts and my thoughts that we would wait until the budget time to bring this forward since the recommendation from the Finance Department was not to fund it.

Mr. Jeffcoat commented the recommendation came from the Finance Department, but the recommendation actually came from the County Council that we move forward with this and I guess I'm a little bit taken aback as to..are we running this County or do we have a Finance Director that's running it or how is it going. I'm a little bit confused. I thought..the last time I voted, I voted to approve this along with almost all the Council here and then we get a recommendation from the Finance Director, I don't really need a recommendation and he's, Larry's not here?

Mr. Brooks stated the Chairman asked for financials on all these positions and that was what came forward.

Mr. Jeffcoat stated maybe we need to talk to the Chairman and let him explain it.

Mr. Cullum stated when we went through Committee, I remember it being one-third; one-third; one-third; and now the position is one-fourth, one-fourth, one-fourth, one-fourth. It was different from what we had and as far as the recommendations from the Finance Director, I believe the e-mail

indicated that it may be a better time to address this during the upcoming budget process and secondly it was where was the position to be placed, that was the real sticking point. There was a change in funding that went from a third, third, third, to a fourth, fourth, fourth, fourth and the question came about where would this position be placed - in administration, in personnel, or would it be under Law Enforcement or would it be under Public Safety and Chief Rucker is right. In our discussions, we felt that probably, if we could address this at budget time, we could determine where we are going to place it - in Public Safety or in Personnel because the quarter type of financing would place three-fourths of it coming out of the General Fund. So that's an issue - where are you going to place this position? It has all been debated before; it was killed one time before, it was brought before the committee again and then it's approved this time and again, I'm doing it out of the ability that we are close enough in our budget now that we can address it at that time.

Mr. Jeffcoat stated that he had a bit of a problem and maybe we need to discuss this one on one and maybe we need to discuss it here; since it's on the floor, I'll discuss unless you have some objection. I think when this Council votes to approve a position or to approve a purchase or approve whatever they vote to approve, it takes five votes to make anything happen. For the Finance Director to come up and make a recommendation on something different and for our Chairman to come up and make a recommendation for something different after this Council has voted, I take a little bit of exception to that and tonight it looks like we're looking at equal shares of four. Whoever is going to take care of it whether it is Law Enforcement, EMS, whatever, these gentlemen are the ones that brought it up so they should be able to tell us where that position is going to be, who's going to have jurisdiction over it or whatever. But if we are going to sit here and vote on an issue, regardless of what it is, if we are going to have two people to say oh, no, we're not going to do that let's do something else or if there is a question about it, I think the question should come back to the Council. I don't think it should go back to the Finance Director or I don't think it should go back to just the Chairman.

Mr. Cullum stated, I agree and I'm not telling you that it did. I'm just saying this is at a point when it was discussed would you consider it and the answer could be very easily no. It was just asked at that time since the finances were different from when it came out of committee, it was a third, third, third and now it's a fourth, fourth, fourth, fourth. You know, again, there is an issue here where are you going to place it. And I have no issue with that if they want to...and, again, I don't say it should be under Personnel, it probably should be under Public Safety, but that's never been determined and we're going to appropriate money, at least we ought to know where this position goes.

Mr. Jeffcoat stated and I think it's a great question.

Mr. Derrick stated that he asked the Finance Director for some additional financial information regarding all these changes because the information we received was not a budgetary proposal, so to speak. We were looking at some actual salaries of some people and then some entry grade salaries of other people and there were no capital items listed, etc., and he asked the Finance Director to provide him with that information. I feel okay with the proposal right down to the point where it comes to this recruiter and then I still don't know, and we still have not been told, Chief Rucker initially told us they would take a third out of the Sheriff's Department, EMS we don't know exactly

where that was coming from, other than the fact that there were some salaried positions which had not been filled so he assumed there was some savings there and as far as Fire Service was concerned they had furnished savings with the reclassifications so they knew where their money was. That was the only money that he knew for sure where it was coming from. I am just baffled and a little bit blown away by the fact that this recruiter position has to be filled today without regard to where the \$59,000 is coming from. So I am going to vote against the recruiter portion of this. I would like to move forward with the other items because I think it's prudent to do that. But the recruiter position, if you all are okay with that then all it takes is five to get it rolling and no one will know who's accountable for who because we aren't establishing that policy it doesn't sound like.

Mr. Jeffcoat stated that he thought it was important that Council knew where it was coming from and who this person was going to be accountable to. He stated that he did not feel this was a major issue other than asking these gentlemen here because he was sure they had thought it out. I can't sit here and tell them well you don't need a recruiter until July of this year; they came to us now and asked for the position now, so obviously they feel like they need it now. So as far as who is going to be accountable or who they are going to report to, that is an issue that someone needs to answer. I called Chief Rucker today and asked him if he had the financing straight on this and if they could fund it and he told me yes. I said why did you decide to hold back; he said we did not want to get in a conflict with the Finance Director. I don't want to get in a conflict with the Finance Director either but I want him to have the position if he can fund it and if it is not costing any more money; these men spend full time in their positions and they certainly know whether or not they need a recruiter. I don't think they would come to us and tell us if they didn't. I guess I've made my point here.

Mr. Owens stated that his thought paralleled Mr. Jeffcoat's. If something is reported out of committee, it deserves an up or down vote. It does not deserve to be messed with until that up or down vote, or we can come out here and amend it, but only after the committee votes it out positive; it comes out an up or down vote not to be tinkered with by Larry or anybody else; it deserves an up or down vote and we didn't get that.

Mr. Cullum stated you can get an up and down vote. If the implication is that someone is forcing....we're not forcing anything. We're getting close to budget time and the three years and two months I've sat on this Council, I've heard it time and time again through different chairmen and through different members about this business of appropriating money mid-term and I'm just trying to keep some consistency. When this came up around August of last year, at that time it was early in the budget and was probably why it got killed then. We're on the flip side of that now, we're getting to the end of this budget year; I have no issue with that and if the Sheriff says he needs it, we can fund it. I'm just merely suggesting that it's close enough now to have all these questions answered about where is it going to be, we know now where the funding is going to be, we started at one avenue now it's at another; it very well may be found that it may be fifty/fifty, I don't know. Those are the sort of things that can easily be worked through when you prepare your entire budget. I am not trying to hold any position from the Sheriff if he's swapping money around. That's his millage and he can do whatever he wants. This position here is some that is shared and that's why I felt like at that time it was better to address it at that time. If this body feels that's its not, I'm open

to that too. There was no circumventing or trying to get things to go one way or the other; it was just a mere request; you can say no, you can say yes; it's that simple to me.

Mr. Carrigg stated the request was in committee twice and you talked about it being changed from one-third, one-third, one-third, to the one-quarter, one-quarter, one-quarter, one-quarter when it came out the last time, it was my understanding it was at the twenty-five percent.

Mr. Cullum stated, no it was not, it was a third.

Mr. Carrigg asked the Clerk if that was changed afterwards in the committee report, Item 2; or is this the recommendation that came out of committee.

Ms. Burnett responded, this is the recommendation that came out of committee.

Mr. Carrigg stated this is the recommendation that came out of committee, item 2.

Ms. Burnett responded, yes, sir.

Mr. Carrigg stated which is the one-quarter funding; so that was what was voted on in committee. Mr. Carrigg asked that Chief Rucker approach the podium. Mr. Carrigg asked Chief Rucker the last time you presented it, was it at a quarter, a quarter, a quarter, a quarter?

Chief Rucker responded, the last meeting two weeks ago was one-quarter, one-quarter, one-quarter, one-quarter.

Mr. Carrigg stated, that was in committee.

Chief Rucker responded, yes, sir.

Mr. Carrigg stated presented in committee, considered by committee, voted on.

Mr. Cullum stated, I stand corrected.

Mr. Carrigg stated so no change after that, I want to make sure of that. The only other thing I have to say about this, to me, as you know Mr. Rucker used to sit in that chair down where you're in (referring to Mr. Cullum) and he wasn't in his position when the last budget cycle occurred and he got in there and he looked at positions and said you know we can save the County \$55,000 by doing this restructuring and we also need this recruiter which would make things better for the County and make our services better to our citizens and that would cost \$59,000, but we can do it without any additional funding and no millage increase and that was your (Chief Rucker) word on it right?

Chief Rucker responded, that's correct.

Mr. Carrigg asked, and you still can do that right?

Chief Rucker responded, yes, sir.

Mr. Carrigg stated you see where I'm coming from is I don't want to run EMS; I've seen a lot of Star Trek movies but that doesn't qualify me to be the head of NASA. I think they ought to run EMS and if they say they need a recruiter, then I think they ought to get it. We've already voted to recommend it, and I would hope that the people who voted for that would stick with their conscience.

Chief Rucker stated the position would be under Public Safety which has all four entities under it which is under my direction which the Sheriff gave me through Homeland Security. The funding would be through personnel slippage since we have some open positions in each department.

Mr. Cullum commented, this current budget cycle.

Chief Rucker stated they will work with the Finance Department next fiscal year.

Mr. Cullum stated the motion on the floor is to approve Items 1 and 2. This entails the Fire Chief reclassification, Captains reclassification, Apparatus Operators, Fire Prevention Officer and Chief Administrative Office. Also the Recruiter position , Grade 14.

Mr. Cullum asked for further comments on the motion.

Ms. Summers stated that one angle she saw in this is the whole point of a recruiter is a professional opportunity to get the brightest and the best that we can into the County in these areas of employment and although four or five months may not seem like a lot of time, in that four or five months this individual could be doing what we need them to do and that is getting key people not to go to Richland or not to go to Newberry or wherever, we can bring them right here to Lexington. She saw it as a means of stepping forward in a progressive manner to bring Lexington County to a higher step.

Mr. Keisler stated that he asked Chief Rucker to bring this matter back to committee and he was in support of the request.

In Favor:	Mr. Carrigg	Mr. Jeffcoat
	Mr. Kinard	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Owens	

Opposed:	Mr. Cullum	Mr. Derrick
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Mental Illness Recovery Center, Inc. - Designation for MIRCI to Obtain Funds to Transport Persons With Disabilities Through the State Mass Transit Assistance Program; Emerald Center - Designation for Emerald Center to Obtain Funds to Transport Persons With Disabilities and Special Needs Through the State Mass Transit Assistance Program - Mr. Carrigg reported that the committee met during the afternoon to consider two requests to approve

two entities to transport persons with disabilities. He stated that one involved the Mental Illness Recovery Center and the other was the Emerald Center. He noted that the Emerald Center had recently obtained the management of several homes in Lexington County and was their first venture in the County.

A motion was made by Mr. Carrigg and seconded by Mr. Keisler that both Resolutions be approved as recommended by the committee.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Carrigg
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Jeffcoat
	Mr. Owens	

Old Business/New Business - Reserve Deputies - Mr. Keisler asked that Sheriff Metts brief Council on the Reserve Deputy program.

Sheriff Metts stated the Reserve Deputies do a great job for the County, and they spend a lot of hours volunteering their time. He stated the Department had from 15-20 reserves working at a time; they have answered 3,685 calls for service during the first quarter; one man units of 186 total, that is hours and two man units 241 total hours; unit response type, primary units, 1,921 hours; and assisting units 474. Basically the reserves have put in a grand total number of hours for the year 2005 of 7,127 hours and the Sheriff commented that he believed they had saved the taxpayers around \$200,000. The Sheriff indicated that they were starting another class and if anyone wanted to join the reserve class to get in touch with the Department. Sheriff Metts stated that an individual from the Citizens Academy was going to work with the department on volunteer coordination. He stated that the individual was going to give his own time and money to come to the Department to work on recruiting volunteers. This is at no cost to the taxpayers of the County and is not asking for positions; this is a volunteer position.

Executive Session/Legal Briefing - Mr. Cullum stated that Council had two contractual matters, two personnel matters and three legal matters to be discussed in executive session.

A motion was made by Mr. Owens and seconded by Mr. Kinard to go into executive session to discuss contractual, personnel and legal matters.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Kinard	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	

Mr. Cullum reconvened the meeting in open session and reported no motions were to be considered. He added that Council would have to go back into executive session after the public hearing in order to address legal issues.

Public Hearing - Ordinance 05-15 - An Ordinance Governing False Alarms - Mr. Cullum asked that anyone speaking in favor or in opposition of Ordinance 05-15 limit comments to three minutes; that each speaker provide name and address. He asked that there be no disruptions.

Mr. Cullum indicated that no one had signed up to speak in favor of the ordinance. He opened the meeting for anyone wishing to speak in favor. No one spoke.

Mr. Cullum stated that one person had signed up to speak in opposition to the ordinance. Mr. Cullum recognized Mr. Weaver.

Eddie Weaver, 129 John Preston Drive, Lexington, SC - My name is Eddie Weaver, I'm with Weaver Systems, a local alarm company; I've been in business for 30 years. Tonight I'm here on behalf of the South Carolina Alarm Dealers Association of which I am a board member and past president. I hate to come in after an ordinance has already been written to criticize it, but I just found out about it from my friend who is the president of the Alarm Dealers Association who was interviewed by the State Newspaper; I'm sure most of you may have read that article. Mr. Chairman, I know I'm limited to three minutes, but I don't know that I can cover what I need to. Mr. Weaver asked if he was going to be granted some leeway.

Mr. Cullum responded leeway would be granted for him to say what he wanted to say.

Mr. Weaver stated I'm not here to criticize this ordinance. I'm here on behalf of the Alarm Association and myself as a citizen to introduce some new information and to give you a different look at this ordinance. So I would like to just kick through a few parts of it if you will and just give you some comments on it and if you want to stop me and ask me any questions or whatever your procedure is, I'm not clear on it, but I'm here to help you.

Section 3 where it says Duty of owner, occupant (a) Newly installed or substantially modified systems shall be allowed to operate without false alarms for 30 days, that's fine. (b) Owners or lessees of existing alarm systems shall have 30 days from installation or modification to comply. Further notice within adoption of this ordinance, all owners and lessees of alarms systems must comply. I don't know how or what database you would have to be able to find all these people. There are thousands of alarms in Lexington County and the data would be tremendous. I think the burden on the County to find out that information would be unbelievable. I know all of us in the alarm business, trying to keep up with key holders and their correct phone numbers of who's going to respond is extremely burdensome and we get paid to do it and do it every day. We also have a limited number of clients where you would have every alarm in the County. You also have to deal with local alarms which are not really addressed in this ordinance. Local alarms means those that don't call a central station, they'll just go off maybe for hours if nobody stops them. Now those have to be addressed with the owner, you really don't have an alarm company to deal with. Most of this will have to be done through the owner of the property anyway. But, there are a lot of people that

just simply refuse to modify or take care of their alarm systems and that is a whole different ball game. I think you need to address that separately. (c) Prior to testing the alarm systems, the owner or lessees shall notify law enforcement and public safety. There again, there is no clear way that is defined in this article; how to notify. Now those of us in the business would simply notify our central station not to dispatch on it. But if it is a local alarm, I don't know how you would do that. Also the amount of time to respond under one section it doesn't say what the response would be under section (d) but there is a fine of \$50.00. I think you need to look at UL standards for fire alarms to use that as a standard of one hour. Thirty minutes to get from one end of Lexington County to the other end would be pretty unlikely. I think that is an undue burden on an owner of business. And if the police are there waiting, I know they don't want to wait. But, I think if you reduced your false alarms, then you could be more tolerant. The whole thing kind of works together. Under section (e) it requires the placing of peoples' phone numbers on the fronts of their businesses and I talked with the Sheriff about that; we both agree that that is extremely dangerous. Posting peoples' phone numbers, which are generally going to be incorrect after six months to a year, even if they are called, they could be called by anybody and say this is the police come down here, we've got an emergency and they get down there and they are robbed or they are hurt. That's really dangerous. There's got to be a better way and I think the Sheriff has an answer for that; it's not in here. Under section (f) anybody who has a malfunction is required to have it repaired and respond back within 20 days. I think 30 days would be a better amount of time. Just because getting someone out to repair something and doing the paperwork, the certified letters could take easily more than 20 days.

Under Section 4, most of the requirements there on furnishing information to the department is standard procedure with every monitoring company. The phone numbers and all that are standard procedure and would be corrected by the monitoring company by calling the alarm dealer or the homeowner and getting corrected numbers and that's a normal procedure. No problem with that being in the ordinance.

Section 5 is where the real rub comes in. Fees charged. Fees charged are going to create, number one, a lot of anger toward all of you for passing it because these people, this whole community, is under seize over taxes already and being a former elected official, you hear that everyday everywhere you go about taxes. So people are already feeling like they are paying a lot already and to turn around and fine a large business who is already paying a lot of taxes a little fine for a fire alarm, that creates a problem. I'm not saying that we shouldn't fine people who are wrong, I'm just saying that shouldn't be the first step.

I think the real approach should be more of corrective action and response rather than fining people. It would be better if you notified them fairly quickly after their second or third alarm. Notify them either on the telephone or in writing, but preferably by phone immediately; then follow up. If they don't respond or they don't correct the situation on the fourth alarm, send them a certified letter telling them you are going to turn their response off. Don't turn the alarm off, just quit going after four times. You can send them a certified letter; I can guarantee you when you get that letter in their hands, you will get a phone call and somebody will fix that alarm. That's when the fining ought to start. The focus should not be on trying to identify every alarm in this County. It should be identifying the problem alarms in this County. To find the solution to the problem. Don't throw a

hand grenade, when a sharpshooter will do the job. And I think you will get the response that you want.

Under Section 6 it doesn't define what a disconnection of an alarm is. Nobody in our business goes out and disconnects an alarm. If somebody stops paying their bill, we just turn off their response. The same we think that your law enforcement should do. It is simply don't respond. You will know it occurred, but if they are not responsible, then why should you be responsible. The owner of the property should be the one who is accountable for his own property and that has worked. In other counties they have seen a 50 percent or better reduction in false alarms in less than a year or two, and that's pretty good. And at the same time, one county in particular has levied hardly any fines, zero fines, and reduced their false alarms response.

The biggest goal of this is so that when, of course, you don't want to roll cars especially with the expense of gas, but also the life safety of your officers. When officers go out for 25,000, I am just pulling a number out of the air, 25,000 false alarms per year, after a while they just quit worrying about it, it is not as serious to them, it is just another false alarm. We all get used to that. You know you've heard one go off in your neighborhood and say oh, it's just an old false alarm. It might be a guy there with a hammer breaking somebody's back door in but after you have heard 25,000 of them, you don't listen anymore.

If, in this process, we reduce the false alarms down, way below where they are now, when your officers do go, they are prepared. They know that it is a real alarm and they respond accordingly, and you get the desired response.

I think if the Council is amenable to it, it would be good for this to go back to a committee or some working group made up of law enforcement and some industry people, like myself, and maybe a business person or two, and a Council member, whoever you feel is appropriate. But put together a real working action plan that doesn't involve so much bureaucracy and paperwork and a real burden on the Sheriff's Department and your Communications Department. I just don't think they can handle it without spending a lot of money.

Mr. Owens interjected, they were the one that wrote it.

Mr. Weaver, well, they haven't enacted it yet. Other places have. That's the problem. I would just like to see the industry and maybe some business people have some input into it to give you a different look at it and to look at what other jurisdictions have done. We had the resources of both the State Alarm Association and the National Burglary and Fire Alarm Association and the National Fire Protection Association who deal with this everyday nationwide and other places have a lot worse problem than we do, so I feel like we can address it if given the opportunity. We don't oppose ordinances or regulations; we just like to see them work and that's our goal.

Mr. Weaver asked if Council had any questions.

Mr. Cullum replied, usually Council does not interact with presenters during Public Hearings, but would allow such, if there were questions.

Mr. Davis stated he has known Mr. Weaver for approximately 30 years and he being a former Richland County Councilman, knows the burdens we have and feels that Mr. Weaver's expertise would be helpful to the County and thanked Mr. Weaver for appearing.

Mr. Cullum advised Mr. Weaver that some of the suggestions he made have already taken place and there has been a good deal of deliberation on part of the Sheriff's Department with studies and they have used other counties' plans as well.

Mr. Derrick stated he feels that Council is in agreement with Mr. Weaver's comments about the whole point of the ordinance, is to stop the false alarms. Mr. Derrick asked Mr. Weaver what real incentive does the industry and homeowners have to do a better job unless there is a fine involved that makes them, because we have warned them; we have told them; we have sent officers out to talk with the offenders, but we continue to get an enormous amount of false alarms.

Mr. Weaver replied, everybody faces this same issue that have alarms, any response. Number one, the owner of the property has to be committed to keeping the system up so not responding. Number two is that if you quit responding to the alarms, if the owner of the property can't get his alarm dealer to respond, he will find one that can. Now there is another thing that can be done and one of the drawbacks, I don't think is a drawback, but it limits you with no license laws in this County you don't know who is in business so you can't take their business license away. But you could provide in your ordinance a means for the Sheriff to require all alarm monitoring companies and all alarm installation companies to register with him and that's one of the things I would recommend you do so that if they're caught operating in this County without his approval, if they are a continual problem and they don't respond, then don't let them work here, and that will work - put them out of business and we in this industry are not afraid of that. That's the only way to cure it and there are a lot of steps that could be put in place like requiring a second response on an alarm, one of the things too is that when our alarm monitoring station notifies the keyholder or calls the premises, if they don't answer typically we dispatch on that. We've now instituted a second call procedure which means we go to the first person on the call list and call them before we dispatch, especially on problem accounts. So every business is a little different, everybody's home is a little different but most of the problems are in businesses not in homes.

Mr. Derrick asked Mr. Weaver if he was saying that no response would cause the same degree of concern as the fine.

Mr. Weaver responded one hundred dollars, fifty dollars to a business owner was not a lot of money, but cutting the response off to his business, that is another whole issue.

Mr. Jeffcoat stated that he did not think the County had anything to lose by having Mr. Weaver or someone else get with the Sheriff's Department and the Justice Committee chairman to spend some time on the ordinance and the Justice Committee consider any suggested changes.

Mr. Cullum stated that he wanted to see an impact; something that does make a change.

Mr. Owens asked if the County did not have some liability if calls were not answered.

Mr. Davis commented that if businesses/homeowners were notified in advance that might help on the liability.

Mr. Weaver stated that the ordinance also requires disconnection of the alarms.

Mr. Owens stated that if the County did not answer a call because it had been abused and something was actually going on and we chose not to do it, I think there would be lawyers standing in line to file suit.

Mr. Weaver stated that such ordinances have been implemented in other counties, several in South Carolina.

Mr. Cullum suggested that Chief Rucker, Major Tate, interact with Mr. Weaver's group, discuss any differences and perhaps come up with something that will be effective and report back to the Justice Committee on February 28 or March 14.

No further comments were received; the public hearing was closed.

Old Business/New Business - Lexington County Joint Municipal Water and Sewer Commission - Council Representative - Mr. Owens stated that Mr. Jeffcoat has asked to be replaced as the Council representative on the Joint Municipal Water and Sewer Commission. A motion was made by Mr. Owens and seconded by Mr. Carrigg that Council appoint Mr. Keisler to replace Mr. Jeffcoat.

Mr. Cullum opened the meeting for discussion.

Mr. Cullum asked if an alternate for Council should also be named.

Mr. Owens replied that an alternate was already in place.

Mr. Cullum asked Mr. Derrick if he was the alternate.

Mr. Derrick responded, yes.

In Favor:	Mr. Cullum	Mr. Owens
	Mr. Carrigg	Mr. Kinard
	Mr. Derrick	Mr. Davis
	Ms. Summers	Mr. Jeffcoat

Abstaining: Mr. Keisler

Budget Amendment Resolutions - Council executed a budget amendment in the amount of \$11,625.00 in donated funds to the Sheriff's Department - \$1,000 to assist with the rising cost of fuel and \$10,625 to purchase 28 Glock semi-automatic pistols.

Executive Session/Legal Briefing - A motion was made by Mr. Derrick and seconded by Mr.

Kinard that Council go into executive session to discuss legal matters.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Kinard	Mr. Davis
	Ms. Summers	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Mr. Cullum reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Cullum reported there were no motions to be considered as a result of executive session.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

M. Todd Cullum
Chairman